

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**ELIZABETH SPIVEY-JOHNSON
f/k/a ELIZABETH PENDERGAST,**

Plaintiff,

v.

Case No. 05-C-82

**CONCENTRA MANAGED CARE SERVICES, INC.,
MELINDA SCHIPO-EDWARDS, TRACEY BUNKER,
JERRILYN I. MCNAIR,**

Defendants.

DECISION AND ORDER

On January 25, 2005, the *pro se* plaintiff, Elizabeth Spivey-Johnson (“Spivey-Johnson”) filed her complaint in this Court. An amended complaint followed on January 23, 2006. On February 2, 2006, two of the defendants, Melinda Schipo-Edwards and Tracey Bunker, filed a motion to dismiss. On March 28, 2006, another defendant, Concentra Managed Care Services, Inc., likewise filed a motion to dismiss, which adopted the arguments raised in the February 2, 2006 motion to dismiss. The briefing period for these motions closed with no response from Spivey-Johnson. By order dated April 10, 2006, the Court provided Spivey-Johnson with additional time to respond to the pending motions. In that same order, the Court set a deadline for Spivey-Johnson to provide further information so that one of the defendants could be served with process.

In another action that Spivey-Johnson has before this Court, Case No. 05-cv-86, the Court, by decision dated February 1, 2006, indicated that it would appoint counsel for Spivey-Johnson in all of her actions pending before this Court. Counsel has not yet been appointed for the instant action. Therefore, until counsel is appointed, Spivey-Johnson will not be required to respond to the pending motions to dismiss. Likewise, she will not be required to provide further service information until counsel is designated to assist her.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Spivey-Johnson shall receive Court-appointed counsel.

The Court will re-establish the briefing schedule for the pending motions to dismiss once Spivey-Johnson receives counsel.

Dated at Milwaukee, Wisconsin, this 12th day of May, 2006.

BY THE COURT:

s/Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge